



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,902	07/31/2001	Daniel Baker	00EC055/79183	2341
24628	7590	10/09/2007		
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER AL AUBAIDI, RASHA S	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/918,902

Applicant(s)

BAKER ET AL.

Examiner

Rasha S. AL-Aubaidi

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/11/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's RCE filed 07/11/2007 has been entered. Claims 1, 13, 21 and 22 have been amended. No further claims have been canceled. No claims have been added. Claims 1-4, 6-25, and 27-33 are still pending in this application, with claims 1, 13, 21, and 22 being independent.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4, 6-25, and 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busey in view of Crowther et al.

Regarding claim 1, Busey teaches a method for distributing customer contacts to a selected one of a plurality a transaction processing entities each capable of handling a plurality of media types in a transaction processing system (this basically reads on distributing customers calls and questions to agents in system 10 of the call center 22, see summary of the invention, col. 4, lines 44-49, and col. 5, lines 15-25), such method comprising: determining a media type for a customer contact in the transaction processing system, the media type determined by the access channel of the customer contact (chat, e-mail, voice, ...etc in Busey); finding a transaction processing entity (agent in Busey) that is capable of handling the media type; and routing the customer contact (e.g., phone call) to a transaction processing entity (agent) that is capable of handling the media type (the claimed limitations of "determining a media type, finding a transaction processing entity that is capable of handling the media type, and routing the customer contact to a transaction processing entity that is capable of handling the media type" read all together on control 14, along with other processes and devices , which perform the function of these limitations in the call center, see col. 12, lines 26-30, col. 4, lines 65-67 and col. 8, lines 1-5. Also, for further explanations on these limitations see the summary of the invention in Busey.

Busey does not specifically teach identifying the media type as exclusive or nonexclusive, and permitting no further customer contacts for the duration of said current customer contact by said transaction processing entity if said media type is exclusive.

Crowther teaches in a contact call center agents are assigned priority level in each skillset so agents can be assigned to handle customers' requests/contacts in the most effective way based on their knowledge (see col. 2, lines 48-52). Each skillset is assigned an interruptibility level which defines the importance of a skillset and whether agents assigned to a skillset may be interrupted while busy answering other calls (see col. 5, lines 10-17). On one hand, the claimed "exclusive media type" reads on the highest interruptibility level (such as, voice or phone call), which cannot be interrupted (see col. 7, lines 38-46 and col. 8, lines 14-20). On the other hand, the claimed "non exclusive media type" reads on lower interruptibility level (such as email or fax), which can be interrupted by higher/highest interruptibility level requests such as voice call (see col. 8, lines 14-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of allowing no further customer contacts to be assigned to an agent when handling "an exclusive" customer contact (such as voice calls), as taught by Crowther, into the Busey

Art Unit: 2614

system in order to provide better, faster and professional services to customers.

Also, this will enhance the efficiency of the call center.

Also, the claimed limitation of “permitting no further customer contacts of the exclusive media type” and the limitation of “routing other non-exclusive customer contacts” still read on the scenario of interpreting the “exclusive media type” as the highest interruptibility level (such as, voice or phone call), that cannot be interrupted (see col. 7, lines 38-46 and col. 8, lines 14-20). Also, interpreting the “non exclusive media type” as the lower interruptibility level (such as email or fax) that can be interrupted by higher/highest interruptibility level requests such as voice call (see col. 8, lines 14-20).

Claim 13, is rejected for the same reasons as discussed above with respect to claim 1. On one hand, Busey teaches determining a metric of how many customer contacts of the media type have been assigned to the transaction processing entity (this basically reads on “endpoint” (see col. 11, lines 15-67); and comparing the metric to a threshold relating to the maximum number of customer contacts of the media type that the transaction processing entity may handle (see col. 11, lines 53-67), and when the metric exceeds the threshold, preferentially routing customer contacts to another transaction processing entity (see col. 12, lines 1-6). On the other hand, Busey does not specifically teach preparing a transaction routing table of transaction processing entities based on media types. However, having a routing table for each agent that contains

Art Unit: 2614

information such as for example, the media type that he/she can best handle would have been obvious since this will be considered as an agent profile that can be viewed by management in skill performance and promotions scenarios.

Claims 21-22 are rejected for the same reasons as discussed above with respect to claim 1. Also, for claims 22-23 limitations, Busey teaches searching a transaction processing entity that is not handling an exclusive media type (this may read on availability of agent, see col. 8, lines 6-9 and/or the priority of task the agent is handling at the current time, see col. 3, lines 55-60); determining a metric of how many customer contacts of the media type have been assigned to the transaction processing entity (basically reads on "endpoint", see col. 11, lines 15-67); and comparing the metric to a threshold relating to the maximum number of customer contacts of the media type that the transaction processing entity may handle (see col. 11, lines 53-67), and when the metric exceeds the threshold, preferentially routing customer contacts to another transaction processing entity (see col. 12, lines 1-6).

For claims 2-4, 6-12, 14-20, 23-25, and 27-33 the limitations are taught by Busey. The rejection in the previous office action is hereby incorporated by reference.

Response to Arguments

Art Unit: 2614

4. Applicant's arguments filed 07/11/2007 have been fully considered but they are not persuasive.

The Examiner believes that Applicant's arguments are directed to the limitation of "exclusive media type and non exclusive media type, which have been already addressed in the above office action and in the previous final office action mailed 01/11/2007.

Applicant argues on page 9 of the Remarks that "Media type is defined in the application as referring to the source or access channel over which the call is processed (P.4, 2nd para.) and as claimed is clearly distinguishable from the agent's skills to which Crowther is addressed. The Examiner respectfully disagrees with applicant's argument because agent's skills basically tied to the media type. For example, the media type determines the type of a request that needs to be handled by an agent with a particular skillset (i.e., routing phone calls to agent that handles voice/phone calls only and routing emails to agent that handles emails only). As a matter of fact, Crowther specifically teaches that once an agent logs into a telephone set only, then the agent can answer voice calls only (see col. 3, lines 60-67). Again, Applicant is reminded that the above argument regarding "media type" and "agent skills" is irrelevant, since the term "skills" is not recited in the claim's language.

Art Unit: 2614

Applicant also argues "Since the interrupt levels in Crowther are assigned to skill sets, they do not teach or suggest the exclusive or non-exclusive media types of the application, and there is no teaching to support applying the Crowther interrupt to the media types of the claims". Again, as previously addressed in the above rejection, the Examiner interprets the claimed "exclusive media type" as the highest interruptibility level (such as, voice or phone call), which cannot be interrupted (see col. 7, lines 38-46 and col. 8, lines 14-20). Also, the Examiner interprets the claimed "non exclusive media type" as the lower interruptibility level (such as email or fax), which can be interrupted by higher/highest interruptibility level requests such as voice call (see col. 8, lines 14-20). Crowther teaches that an agent (300) in Fig. 3 logged into the sales voice and service voice skillset at a priority level P1 (see col. 6, lines 55-56). Thus, the interruptibility level of 1 is exactly voice calls based on Crowther teachings (col. 6, lines 55-56). As far as how the interruptibility level 1 is used, Crowther teaches if voice calls assigned a higher interruptibility level P1, then voice calls can interrupt a lower interruptibility level such as P2 and P3 (i.e., fax and emails). However, voice calls with high interruptibility level P1 cannot be interrupted (see col. see col. 5, lines 10-16, col. 7, lines 41-46 and col. 8, lines 14-20). Stated differently, the claimed "exclusive" media type would read on a P1 level for agent 330 in Fig. 1 (media is voice) which will not be interrupted. In this rejection under 35 USC 103, Examiner's position has been that voice calls should have the highest interruptibility level because a telephone conversation between an agent and a caller should not be interrupted for example by a fax

Art Unit: 2614

call. Again, this is consistent with col. 3, line 60- col. 4, line 2 and col. 5, lines 9-16. Therefore, Applicant's argument is irrelevant since Crowther specifically teach the claimed "exclusive and non-exclusive media type".

Conclusion

5. This is an RCE of applicant's earlier Application No. 09/918,902. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2614

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S. AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RASHA S. AL-AUBAIDI
PRIMARY EXAMINER

Art Unit 2614
09/28/2007